

(1) In the event that a requester has previously failed to pay a required fee (within 30 days of the date of billing), an advance deposit of the full amount of the anticipated fee together with the fee then due plus interest accrued may be required. The request will not be deemed to have been received by the Corporation until such payment is made.

(2) In the event that the Corporation determines that an estimated fee will exceed \$250, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. Such notification shall be transmitted as soon as possible, but in any event within five working days of such determination, giving the best estimate then available. The notification shall offer the requester the opportunity to confer with appropriate representatives of the Corporation for the purpose of reformulating the request so as to meet the requester's needs at a reduced cost. The request will not be deemed to have been received by the Corporation until an advance payment of the entire fee is made.

(i) Interest will be charged to those requesters who fail to pay the fees charged. Interest will be assessed on the amount billed, starting on the 31st calendar day following the day on which the billing was sent. The rate charged will be as prescribed in 31 U.S.C. 3717.

(j) If the Corporation reasonably believes that a requester or group of requesters is attempting to break a request into a series of requests for the purpose of evading the assessment of fees, the Corporation shall aggregate such requests and charge accordingly.

(k) The Corporation reserves the right to limit the number of copies that will be provided of any record to a requester or to require that special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or duplication.

**§ 1102.11 Notice to submitters of certain information.**

(a) Upon receipt of a request for information that either, (1) the Freedom of Information Officer determines may

be exempt from disclosure under paragraph (b)(4) of § 1102.6 as privileged or confidential trade secrets or commercial or financial information submitted to the Corporation by a third party or entity (other than federal government agencies); or (2) is subject to an understanding of confidentiality between the Corporation and the submitter thereof, the Freedom of Information Officer shall provide the submitter of such information with notice of the request.

(b) The Corporation shall afford a submitter of information covered by paragraph (a) of this section a period, generally not in excess of 10 working days, within which to provide the Freedom of Information Officer a detailed statement of objections to the disclosure of such information by the Corporation. The submitter's response (if any) shall include all bases, factual or legal, for the withholding of the requested information pursuant to paragraph (b)(4) of § 1102.6. If the Freedom of Information Officer does not receive a timely response from the submitter, the Freedom of Information Officer shall proceed with the determination of whether or not to release such information.

(c) Whenever the Corporation decides to release any part of the information covered by paragraph (a) of this section over the objection of the submitter, the Corporation shall forward to the submitter a written statement providing a brief explanation why the Corporation did not agree with the submitter's objections; a description of the information to be released; and the expected date of the release.

(d) If a requester or submitter brings suit against the Corporation seeking to compel or restrict the release of information covered by paragraph (a) of this section, the Corporation shall promptly notify the other party.

(e) The notice requirement of this section shall not apply if:

(1) The information has been published or otherwise made available to the public;

(2) Disclosure of the information is required by law (other than 5 U.S.C. 552);

(3) The submitter has received notice of a previous FOIA request which encompassed the information requested

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in the later request, and the Corporation intends to withhold information in the same manner as in the previous FOIA request; or

(4) Upon submitting the information or within a reasonable period thereafter, (i) the submitter reviewed its information in anticipation of future re-

quests pursuant to the FOIA, (ii) the submitter provided the Corporation a statement of its objections to disclosure consistent with that described in paragraph (b) of this section, and (iii) the Corporation intends to release information consistent with the submitter's objections.